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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,267	11/01/2005	Christina Adriana Renders	NL 030548	9348

24737 7590 11/24/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

HASAN, MOHAMMED A

ART UNIT PAPER NUMBER

2873

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/555,267

Applicant(s)

RENDERS ET AL.

Examiner

Mohammed Hasan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-9,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,5,10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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## **DETAILED ACTION**

### ***Priority***

1. Receipt of acknowledged of papers submitted under 35 U.S.C. 119 (a) – (d), which papers have placed in the file.

### ***Oath/Declaration***

2. Oath and declaration filed on 11/1/2005 is accepted.

### ***Specification***

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

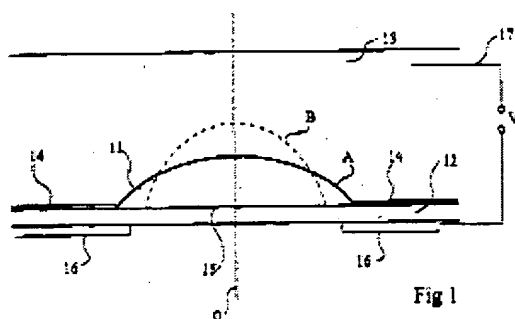
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,6-9,11,and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berge et al (6,369,954 B1) in view of Bloxsom (4,341,204).

Regarding claim 1, Berge et al discloses (refer to figure 1) a variable focus liquid lens)(i.e., an electrowetting module) comprising a fluid chamber (12), containing at least a first body (11) of a first conducting and or polar fluid and a second body (13) of a

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second non-conducting and or non-polar fluid , the two bodies being separated by an interface, and means for exerting a force on at least one of the bodies to change the position and or shape of the interface, characterized in that the second fluid body comprises a dissolved or mixed compound being insoluble in or immiscible with the first fluid body and or the first fluid body comprises a dissolved or mixed compound being insoluble in or immiscible with the second fluid body (column 3, lines 1-31).



Berge et al discloses all of the claimed limitations except amounts of compound being sufficient for lowering the freezing point of the respective fluids to below  $-20^{\circ}\text{C}$ .

However, Bloxsom teaches compound temperature 300 plus or  $-30^{\circ}\text{F}$  (i.e.,  $-35^{\circ}\text{C}$ ) (column 6, lines 15-16, column 8, lines 28-30).

Within the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time invention was made to provide a compound lowering freezing point in to the a variable focus lens for the purpose air pressure into conformity in the inner surface of the lens as taught by Bloxsom (column 6, lines 16-17).

Regarding claim 2, Bloxsom discloses, wherein the amount of the dissolved compound is sufficient for lowering the freezing point of the respective fluid to below  $-30^{\circ}\text{C}$  preferably to  $-40^{\circ}\text{C}$  (column 8, lines 28-30).

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Regarding claim 4, Berge et al discloses, wherein a compound being dissolved in (column 6, lines 49-55).

Regarding claim 6, Berge et al discloses, wherein compound being dissolved in or mixed with the first body of fluid is an organic compound, preferably selected from among methanol, ethonal and ethylene glycol (column 6, lines 49-58).

Regarding claim 7, Berge et al discloses, wherein compound being dissolved (column 6, lines 49-55).

Regarding claim 8, Berge et al discloses, an optical component , the first and second fluid bodies (11 and 13) having different refractive indices, wherein the compound added to first fluid has a refractive index difference increasing effect (column 7, lines 1-5).

Regarding claim 9, Berge et al discloses, wherein the first fluid body (11) is electrically conducting and or polar, and the second fluid body (13) is electrically non-conducting and or non-polar, the module being provided with means for exerting an electric force to change the position and or shape of the meniscus –shaped interface (column 3, lines 5-31) (also shown in figure 2 dielectric region 53).

Regarding claim 11, Berge et al discloses, wherein the first and second fluid bodies (11 and 13) show a substantially similar density (column 3, lines 5-31).

Regarding claim 12, Berge et al discloses, means for exerting pressure to change the position or shape interface (column 3, lines 45-46).

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***Allowable Subject Matter***

6. Claims 3,5,and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show wherein the concentration of dissolved compound in fluid body at least 4M preferably 6M and wherein inorganic salt is a chlorine salt, preferably lithium chloride, ammonium chloride more preferably lithium chloride, and wherein the difference in refractive index is from 0.01 to 0.3,preferably from 0.1 to 0.2,the refractive index of one of the bodies being greater than, preferably than 1.5.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MH  
November 14, 2006

*M. Hasan*  
Mohammed Hasan  
Examiner, AU-2873